

1 Robert A. Mittelstaedt (SBN 060359)  
Jason McDonell (SBN 115084)  
2 Elaine Wallace (SBN 197882)  
JONES DAY  
3 555 California Street, 26<sup>th</sup> Floor  
San Francisco, CA 94104  
4 Telephone: (415) 626-3939  
Facsimile: (415) 875-5700  
5 ramittelstaedt@jonesday.com  
jmcdonell@jonesday.com  
6 ewallace@jonesday.com

7 Tharan Gregory Lanier (SBN 138784)  
Jane L. Froyd (SBN 220776)  
8 JONES DAY  
1755 Embarcadero Road  
9 Palo Alto, CA 94303  
Telephone: (650) 739-3939  
10 Facsimile: (650) 739-3900  
tglanier@jonesday.com  
11 jfroyd@jonesday.com

12 Scott W. Cowan (Admitted *Pro Hac Vice*)  
Joshua L. Fuchs (Admitted *Pro Hac Vice*)  
13 JONES DAY  
717 Texas, Suite 3300  
14 Houston, TX 77002  
Telephone: (832) 239-3939  
15 Facsimile: (832) 239-3600  
swcowan@jonesday.com  
16 jlfuchs@jonesday.com

17 Attorneys for Defendants  
SAP AG, SAP AMERICA, INC., and  
18 TOMORROWNOW, INC.

19 UNITED STATES DISTRICT COURT  
20 NORTHERN DISTRICT OF CALIFORNIA  
21 OAKLAND DIVISION

22 ORACLE USA, INC., et al.,  
23 Plaintiffs,  
24 v.  
25 SAP AG, et al.,  
26 Defendants.

Case No. 07-CV-1658 PJH (EDL)  
**PROOF OF SERVICE**

1 I, Shirley Nakano-McSwain, declare:

2 I am a citizen of the United States and employed in Santa Clara County, California. I am  
3 over the age of eighteen years and not a party to the within-entitled action. My business address  
4 is 1755 Embarcadero Road, Palo Alto, California 94303. On April 26, 2012, I served a copy of  
5 the attached document:

6 **DEFENDANTS' TRIAL BRIEF [SUBMITTED UNDER SEAL]**

7 **DECLARATION OF THARAN GREGORY LANIER IN SUPPORT OF**  
8 **DEFENDANTS' ADMINISTRATIVE MOTION TO PERMIT DEFENDANTS**  
9 **TO FILE UNDER SEAL ORACLE'S INFORMATION IN SUPPORT OF**  
10 **DEFENDANTS' TRIAL BRIEF**

11  by placing the document listed above in a sealed Federal Express envelope and  
12 affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal  
13 Express agent for delivery.

14  by transmitting via e-mail or electronic transmission the document listed above to  
15 the persons at the e-mail addresses set forth below.

16 Donn P. Pickett  
17 Geoffrey M. Howard  
18 Bree Hann  
19 BINGHAM McCUTCHEN LLP  
20 Three Embarcadero Center  
21 San Francisco, CA 94111-4067  
22 donn.pickett@bingham.com  
23 geoff.howard@bingham.com  
24 bree.hann@bingham.com

25 David Boies  
26 Steven C. Holtzman  
27 BOIES, SCHILLER & FLEXNER LLP  
28 333 Main Street  
Armonk, NY 10504  
dboies@bsfllp.com  
sholtzman@bsfllp.com

29 I declare that I am employed in the office of a member of the bar of this court at whose  
30 direction the service was made.

31 Executed on April 26, 2012, at San Francisco, California.

32 By: /s/ Shirley Nakano-McSwain  
33 Shirley Nakano-McSwain

34 SVI-107585v1